

REMARKS

This is in response to the Final Office Action dated September 20, 2005. The Examiner maintained his rejection of Claims 1-3 and 9-11 under 35 U.S.C. §102(b) as being anticipated by Wolf et al. Claims 1 -11, 16-33, and 35-36 are pending.

Claim 1 defines the invention as a muffler insert for use in a muffler. The muffler insert includes a body of wool-type fibrous material that conforms to the shape of a compartment in a tool. A yarn is wound around the body, which thereby confines the volume of the body.

Applicants maintain that the Wolf et al. reference does not disclose a muffler insert having a body of wool-type fibrous material that conforms to the shape of a compartment in a tool. The Wolf et al. reference also does not disclose that such a body of fibrous material is confined by a yarn wound around the body of material. The Wolf et al. reference discloses a silencer that consists of a tube covered by wound layers of texturized fiber yarn, which is then covered by a sheet of septum material. The Wolf et al. reference clearly does not show a body of fibrous material, which is defined at Page 7, Paragraph 30 of the application as a three-dimensional mass of "fluffed-up" fibrous material. Also, Applicants reiterate that the Wolf reference actually identifies its wound structure as an improvement over such blown fibrous material (See, for example, Column 1, Lines 29-34, and Column 4, Lines 24-28). Therefore, the Wolf reference cannot be a disclosure of Applicants' invention, but rather is a teaching away from the invention. For at least these reasons, these rejections are without merit and should be withdrawn.

The Examiner rejected Claims 4-8 and 16-33, and 35-36 under 35 U.S.C. §103(a) as being unpatentable over Wolf et al. in view of Brandt et al.

Claim 16 defines a method for forming a muffler insert. The method includes the steps of providing a tool having one or more compartments, and introducing a fibrous material within at least one of the compartments to form a wool-type fibrous body. The tool is then placed onto a winding machine, and a yarn is wrapped around at least a portion of the body to form the muffler insert. The tool is then removed from the winding machine and the muffler insert is extracted from the tool.

Claim 25 defines a method for forming a muffler. The method includes the steps of providing an unfilled muffler insert, and coupling a tool around a portion of the insert. The tool has an upper section and a lower section, with the tool and the insert defining at least one compartment therebetween. At least one of the compartments is filled with a fibrous material such that the material forms a wool-type body within the compartment of the tool. The tool is placed onto a winding machine, and the upper section of the tool is moved away from the lower section to create a gap. A yarn is secured around a portion of the body of fibrous material exposed within the gap to form and the yarn is wrapped around the body to form a filled and wound muffler insert. The tool and the muffler insert are removed from the winding tool and the muffler insert is extracted from the tool. The muffler insert is then coupled with a muffler shell.

The Brandt et al. reference admittedly discloses a process for filling a muffler with fibrous material. However, as previously argued by Applicants, there is clearly no teaching or suggestion in either the Brandt et al. or Wolf et al. references to combine such a filling process with the wound silencer of the Wolf et al. reference. The Wolf et al. reference identifies the wound silencer disclosed by the reference as an improvement over such mufflers containing a blown fiber material; therefore, the Wolf et al. reference actually teaches away from a combination of the two references. Finally, there is also no teaching or suggestion of the method steps of utilizing the tool and winding machine to wind the yarn around the body of fibrous material. As such, the objections based upon the combination of the Wolf et al. and Brandt et al. references are also without merit and should be withdrawn.

In light of the remarks set forth above, Applicants believe that the application is in condition for allowance. Applicants have shown that the claims are patentable over the references. Accordingly, Applicants request withdrawal of the rejections and an early Notice of Allowance.

Respectfully submitted,

  
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